

MAR 21 1997

March 21, 1997

Chairman Reed Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington D.C. 20554

Re: In the Matter of Advanced Television
Systems and Their Impact Upon the Existing
Television Broadcast Service
MM Docket No. 87-268

Dear Chairman Hundt:

We, the undersigned, would like to reiterate our support of the November 22, 1996 Broadcasters' Comments on the Sixth Further Notice of Proposed Rulemaking. We urge the Commission to implement the recommendations contained therein.

As the Commission moves into the final stages of crafting a report and order on advanced digital television ("DTV") allotments/assignments issues, it should hold fast to the basic principles that have animated broadcasters' vision of this undertaking from the start and that the Commission itself embraced in the Sixth Further Notice of Proposed Rulemaking. These are: (1) that DTV service should replicate the existing analog service and that, wherever possible, smaller stations should be able to increase their service areas; and (2) assignments should be made so as to minimize interference to existing television service. Below, we focus on three of the most important issues that the Commission needs to address in order to ensure a viable, smooth, and expeditious roll-out of DTV.

Existing Service Replication

The "replication principle" holds that the service areas of existing television stations should at least be replicated in the DTV environment so that viewers are not disenfranchised, service is not lost, and both viewers and broadcasters have every incentive to switch to DTV quickly. Its companion principle of "maximization" provides

No. of Copies rec'd 021
List ABCDE

Chairman Reed Hundt
Page 2
March 21, 1997

that smaller stations can increase their service area up to that of the largest station in the market, provided no interference results. The Commission appeared to accept these principles in its Sixth Further Notice. It now appears that the Commission staff may apply the principle of replication selectively and inappropriately and that replicated service areas will not be protected.

The FCC staff apparently is considering an arbitrary and permanent cap on DTV power levels, thus undermining the principles of replication and maximization and depriving millions of viewers of DTV service. A permanent power cap of 1 megawatt, as is being considered by the staff, would forever disenfranchise viewers (especially in rural areas) of about 501 stations (based on the FCC DTV table) or 287 stations (based on the Broadcasters' Modified Table). By adopting such a power cap, the Commission would, in effect, be selectively applying the replication principle only to some stations.

Some UHF broadcasters have expressed concern that the FCC's DTV table generally assigned DTV power levels for VHF stations in a way that created an undue disparity between VHF and UHF stations in the DTV environment. In response to this concern, a group of broadcasters (including the networks, major television trade associations, and the largest UHF broadcasting groups) proposed in reply comments to the Sixth Further Notice (January 24, 1997) that the FCC adopt a table that replicated all service areas according to current planning factors but phased-in power levels over a two-year period, specifically for high-power DTV stations. The objective was to preserve the opportunity for stations to replicate their service areas while confirming, on the basis of field tests, the accuracy of the planning factors. At the end of the two-year period, adjustments could be made, if appropriate. The broadcasters made this recommendation on the explicit premise that power limitations would be temporary.

The staff's apparent inclination to make the power limitations permanent would vastly reduce service, as described above. In addition, it would foil the compromise adopted by VHF and UHF broadcasters to achieve a fair channel plan for all stations based on the real world operations of DTV stations. We urge the Commission against adopting a permanent power cap that has no record support, much less the imprimatur of the Advisory Committee on Advanced Television Services. Whatever temporary phase-in approach the FCC may adopt, it should stay the course of the replication principle.

Public Safety

We understand that the public safety community has legitimate and, in some cases, urgent needs for additional spectrum. Therefore, on February 21, the Association for Maximum Service Television filed an ex parte submission that provided a road map for an early reallocation of a portion of channels 60-69 for public safety uses. To the extent that public safety has urgent needs that can be met by sharing several of channels 60-69, accommodation can be made quite promptly. This accommodation will come at the price of some additional interference to the public's television service.

Chairman Reed Hundt
Page 3
March 21, 1997

Therefore, the sharing should be implemented with care, market by market, to reduce the disruption to a minimum.

Frequency Coordination

It is widely appreciated that it will be essential to fine-tune the table of allotments/assignments on the basis of real-world experience with DTV transmissions and localized conditions relating to tower and height, power, and other factors. Broadcasters proposed a unique, highly sophisticated model of privatized, local frequency coordinators who would, pursuant to FCC-endorsed principles, facilitate evaluation of these principles. On January 10, the Broadcasters Caucus filed a detailed petition for rulemaking so that these coordinating committees could be established and the process underway shortly after the DTV table was released. This proposed mechanism -- authorized by the Communications Act -- is an efficient, effective, and flexible way of managing the accommodation process which is so important to an effective and expedited roll-out of the new service. We urge the Commission to respond to the broadcasters proposals and to move forward with establishing a coordinating mechanism.

* * *

Broadcasters and the viewing public eagerly await the onset of the DTV era. We urge the Commission to move quickly and to apply the principles of replication and maximization uniformly so as to bring DTV to all viewers. To this end, we urge the Commission to avoid arbitrary power caps that would cut DTV service and impair analog service during the transition. In addition, the Commission should adopt policies, like those described above, that will ensure the sound roll-out of DTV.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM
SERVICE TELEVISION, INC.



Victor Tawil
Senior Vice President
1776 Massachusetts Ave., N.W.
Suite 310
Washington, DC 20036
Phone: (202) 861-0344
Fax: (202) 861-0342

ABC, INC.

/s/ Sam Antar

Sam Antar
Vice President, Law and Regulation
77 West 66th Street
16th Floor
New York, NY 10023
Phone: (212) 456-6222
Fax: (212) 456-6202

Chairman Reed Hundt
Page 4
March 21, 1997

ALLBRITTON COMMUNICATIONS
COMPANY

/s/ Jerald N. Fritz
Jerald N. Fritz
Vice President
Legal & Strategic Affairs
808 Seventeenth St., N.W.
Suite 300
Washington, DC 20006
Phone: (202) 728-4383
Fax: (202) 331-1898

APPLE VALLEY BROADCASTING, INC.

/s/ H. Darrell Blue
H. Darrell Blue
General Manager
1610 South 24th Avenue
Yakima, WA 98902
Phone: (509) 453-0351
Fax: (509) 453-3623

A.H. BELO CORPORATION

/s/ Michael J. McCarthy
Michael J. McCarthy
Senior Vice President/Secretary
and General Counsel
400 South Record Street
17th Floor
Dallas, TX 75202
Phone: (214) 977-6606
Fax: (214) 977-8209

BONNEVILLE INTERNATIONAL
CORPORATION

/s/ David K. Redd
David K. Redd
Vice President, Secretary and
General Counsel
P.O. Box 1160
Salt Lake City, UT 84110-1160
Phone: (801) 575-7517
Fax: (801) 575-7548

BROOKS BROADCASTING, LLC

/s/ Greg Brooks
Greg Brooks
General Manager
5555 N. Seventh Avenue
Suite 61
Phoenix, AZ 85013
Phone: (602) 207-3252
Fax: (602) 207-3258

BRUNSON COMMUNICATIONS, INC.

/s/ Dorothy Brunson
Dorothy Brunson
President
3900 Main Street
Philadelphia, PA 19127
Phone: (215) 930-0482
Fax: (215) 930-0492

Chairman Reed Hundt
Page 5
March 21, 1997

BUSSE BROADCASTING
CORPORATION

/s/ Vincent A Pepper
Vincent A Pepper
Pepper & Corazzini L.L.P.
1776 K Street, N.W.
Suite 200
Washington, DC 20006
Phone: (202) 296-0600
Fax: (202) 296-5572

Its Attorney

CALIFORNIA OREGON
BROADCASTING INC.

/s/ Marnie K. Sarver
Marnie K. Sarver
Reed, Smith, Shaw & McClay
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, DC 20005
Phone: (202) 414-9200
Fax: (202) 414-9299

Its Attorney

CAPITOL BROADCASTING COMPANY,
INC.

/s/ Marvin Rosenberg
Marvin Rosenberg
Edward W. Hummers, Jr.
Holland & Knight
2100 Pennsylvania Ave., N.W.
Suite 400
Washington, DC 20037-3202
Phone: (202) 457-7145
Fax: (202) 955-5564

Its Attorneys

CBS, INC.

/s/ Mark W. Johnson
Mark W. Johnson
Associate General Counsel
600 New Hampshire Ave., N.W.
Suite 1200
Washington, DC 20037
Phone: (202) 457-4513
Fax: (202) 457-4611

CHANNEL 3 OF CORPUS CHRISTI,
INC.

/s/ Robert B. Jacobi
Robert B. Jacobi
Cohn and Marks
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1573
Phone (202) 293-3860
Fax: (202) 293-4827

Its Attorney

CHRONICLE BROADCASTING
COMPANY

/s/ Jonathan D. Blake
Jonathan D. Blake
Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, DC 20044
Phone: (202) 662-6000
Fax: (202) 662-6291

Its Attorney

Chairman Reed Hundt
Page 6
March 21, 1997

COSMOS BROADCASTING
CORPORATION

/s/ James M. Keelor

James M. Keelor
President
P.O. Box 19023
Greenville, SC 29602
Phone: (864) 609-4366
Fax: (864) 609-4420

DeSOTO BROADCASTING, INC.

/s/ Vincent A. Pepper

Vincent A. Pepper
Pepper & Corazzini L.L.P.
1776 K Street, N.W.
Suite 200
Washington, DC 20006
Phone: (202) 296-0600
Fax: (202) 296-5572

Its Attorney

EAGLE COMMUNICATIONS, INC.

/s/ Robert H. Precht

Robert H. Precht
President
P.O. Box 5268
Missoula, MT 59806
Phone: (406) 721-2063
Fax: (406) 721-2083

FISHER BROADCASTING, INC.

/s/ Clifford M. Harrington

Clifford M. Harrington
Fisher, Wayland, Cooper, Leader
& Zaragoza, L.L.P.
2001 Pennsylvania Ave., NW
Suite 400
Washington, DC 20006
Phone: (202) 775-3541
Fax: (202) 296-6518

Its Attorney

GANNETT BROADCASTING CO., INC.

/s/ Marnie K. Sarver

Marnie K. Sarver
Reed, Smith, Shaw & McClay
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, DC 20005
Phone: (202) 414-9200
Fax: (202) 414-9299

Its Attorney

GRANITE BROADCASTING
CORPORATION

/s/ Tom W. Davidson

Tom W. Davidson, P.C.
Akin, Gump, Strauss, Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, DC 20036
Phone: (202) 887-4011
Fax: (202) 887-4288

Its Attorney

Chairman Reed Hundt
Page 7
March 21, 1997

GRIFFIN TELEVISION, L.L.C.

/s/ Marvin Rosenberg
Marvin Rosenberg
Edward W. Hummers, Jr.
Holland & Knight, L.L.P.
2100 Pennsylvania Ave., N.W.
Suite 400
Washington, DC 20037-3202
Phone: (202) 457-7145
Fax: (202) 955-5564

Its Attorneys

THE HEARST CORPORATION

/s/ David J. Barrett
David J. Barrett
Vice President & Deputy General
Manager of Broadcasting
959 Eighth Avenue
New York, NY 10019
Phone: (212) 649-2301
Fax: (212) 489-2314

HERITAGE BROADCASTING, INC.

/s/ Vincent A. Pepper
Vincent A. Pepper
Pepper & Corazzini L.L.P.
1776 K Street, N.W.
Suite 200
Washington, DC 20006
Phone: (202) 296-0600
Fax: (202) 296-5572

Its Attorney

HERITAGE MEDIA CORPORATION

/s/ Tom W. Davidson
Tom W. Davidson, P.C.
Akin, Gump, Strauss, Hauer & Feld, LLP
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, DC 20036
Phone: (202) 887-4011
Fax: (202) 887-4288

Its Attorney

HUBBARD BROADCASTING INC.

/s/ Marvin Rosenberg
Marvin Rosenberg
Edward W. Hummers, Jr.
Holland & Knight
2100 Pennsylvania Ave., N.W.
Suite 400
Washington, DC 20037-3202
Phone: (202) 457-7145
Fax: (202) 955-5564

Its Attorneys

J.D.G. TELEVISION, INC.

/s/ Marvin Rosenberg
Marvin Rosenberg
Edward W. Hummers, Jr.
Holland & Knight, L.L.P.
2100 Pennsylvania Ave., N.W.
Suite 400
Washington, DC 20037-3202
Phone: (202) 457-7145
Fax: (202) 955-5564

Its Attorneys

Chairman Reed Hundt
Page 8
March 21, 1997

KELLY BROADCASTING CO. AND
KELLY TELEVISION COMPANY

/s/ Arthur B. Goodkind
Arthur B. Goodkind
Koteen & Naftalin
1150 Connecticut Avenue
Suite 1000
Washington, DC 20036
Phone: (202) 467-5700
Fax: (202) 467-5915

Its Attorney

KOPLAR TELEVISION CO., L.L.C.

/s/ Arthur B. Goodkind
Arthur B. Goodkind
Koteen & Naftalin
Suite 1000
1150 Connecticut Avenue, N.W.
Washington, DC 20036
Phone: (202) 467-5700
Fax: (202) 467-5915

Its Attorney

KTAL-TV, INC.

/s/ Jonathan D. Blake
Jonathan D. Blake
Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, DC 20044
Phone: (202) 662-6000
Fax: (202) 662-6291

Its Attorney

LAMCO COMMUNICATIONS, INC.

/s/ Arthur B. Goodkind
Arthur B. Goodkind
Koteen & Naftalin
Suite 1000
1150 Connecticut Avenue, N.W.
Washington, DC 20036
Phone: (202) 467-5700
Fax: (202) 467-5915

Its Attorney

LEE ENTERPRISES INCORPORATED

/s/ Marnie K. Sarver
Marnie K. Sarver
Reed, Smith, Shaw & McClay
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, DC 20005
Phone: (202) 414-9200
Fax: (202) 414-9299

Its Attorney

LIN TELEVISION CORPORATION

/s/ Gregory M. Schmidt
Gregory M. Schmidt
Vice President/New Development
and General Counsel
1001 G Street, N.W.
Washington, DC 20001
Phone: (202) 879-9355
Fax: (202) 879-9397

Chairman Reed Hundt
Page 9
March 21, 1997

LOUISIANA TELEVISION
BROADCASTING CORPORATION

/s/ Robert B. Jacobi
Robert B. Jacobi
Cohn and Marks
1333 New Hampshire Avenue, N.W.
Suite 600
Washington, DC 20036-1573
Phone: (202) 293-3860
Fax: (202) 293-4827

Its Attorney

MAINE RADIO AND TELEVISION CO.

/s/ Lew Colby
Lew Colby
Executive Vice President/
Chief Executive Officer
One Congress Square
Portland, ME 04101
Phone: (207) 828-6666
Fax: (207) 828-6620

McGRAW-HILL BROADCASTING
COMPANY, INC.

/s/ Arthur B. Goodkind
Arthur B. Goodkind
Koteen & Naftalin
1150 Connecticut Avenue
Suite 1000
Washington, DC 20036
Phone: (202) 467-5700
Fax: (202) 467-5915

Its Attorney

MEREDITH CORPORATION

/s/ James E. Dunstan
James E. Dunstan
Haley Bader & Potts P.L.C.
4350 North Fairfax Drive
Suite 900
Arlington, VA 22203-1633
Phone: (703) 841-0606
Fax: (703) 841-2345

Its Attorney

MIDWEST TELEVISION, INC.

/s/ August C. Meyer
August C. Meyer
President
509 S. Neil Street
P.O. Box 20
Champaign, IL 61824-0020
Phone: (217) 356-8333
Fax: (217) 373-3648

MOBILE VIDEO TAPES, INC.

/s/ Robert B. Jacobi
Robert B. Jacobi
Cohn and Marks
1333 New Hampshire Avenue, N.W.
Suite 600
Washington, DC 20036-1573
Phone: (202) 293-3860
Fax: (202) 293-4827

Its Attorney

Chairman Reed Hundt
Page 10
March 21, 1997

NATIONAL ASSOCIATION OF
BROADCASTERS

/s/ Henry L. Baumann
Henry L. Baumann
Executive Vice President
& General Counsel
1771 N Street, N.W.
Washington, DC 20036-2891
Phone: (202) 429-5458
Fax: (202) 429-3526

NATIONAL BROADCASTING
COMPANY, INC.

/s/ Michael J. Sherlock
Michael J. Sherlock
Executive Vice President, Technology
30 Rockefeller Plaza
Suite 1022
New York, NY 10112
Phone: (212) 664-4444
Fax: (212) 664-7070

BROADCAST SUBSIDIARIES OF
THE NEW YORK TIMES COMPANY

/s/ Arthur B. Goodkind
Arthur B. Goodkind
Koteen & Naftalin
1150 Connecticut Avenue
Suite 1000
Washington, DC 20036
Phone: (202) 467-5700
Fax: (202) 467-5915

Its Attorney

NEWSWEB CORPORATION

/s/ Edward W. Hummers, Jr.
Edward W. Hummers, Jr.
Marvin Rosenberg
Holland & Knight
2100 Pennsylvania Ave., N.W.
Suite 400
Washington, DC 20037-3202
Phone: (202) 457-7145
Fax: (202) 955-5564

Its Attorneys

PACIFIC FM, INC.

/s/ Gregg P. Skall
Gregg P. Skall
Pepper & Corazzini L.L.P.
1776 K Street, N.W.
Suite 200
Washington, DC 20006
Phone: (202) 296-0600
Fax: (202) 296-5572

Its Attorney

PAXTON MEDIA GROUP, INC.

/s/ Jonathan D. Blake
Jonathan D. Blake
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, DC 20044
Phone: (202) 662-6000
Fax: (202) 662-6291

Its Attorney

Chairman Reed Hundt
Page 11
March 21, 1997

POST-NEWSWEEK STATIONS, INC.

/s/ Robert E. Branson
Robert E. Branson
Vice President, Legal Affairs
3 Constitution Plaza
Hartford, CT 06103
Phone: (203) 493-6538
Fax: (203) 493-2490

PULITZER BROADCASTING COMPANY

/s/ Erwin G. Krasnow
Erwin G. Krasnow
Julian L. Shepard
Verner, Liipfert, Bernhard,
McPherson & Hand, Chartered
901 15th Street, N.W., Suite 700
Washington, DC 20005-2301
Phone: (202) 371-6000
Fax: (202) 371-6279

QUINCY NEWSPAPERS, INC.

/s/ Thomas A. Oakley
Thomas A. Oakley
President
P. O. Box 909
Quincy, IL 62306
Phone: (217) 223-5100
Fax: (217) 223-5019

SARKES TARZIAN, INC.

/s/ Thomas Tarzian
Thomas Tarzian
President
P.O. Box 62
Bloomington, IN 47402
Phone: (812) 332-7251
Fax: (812) 331-4575

SHOCKLEY COMMUNICATIONS
CORPORATION

/s/ Jerold L. Jacobs
Jerold L. Jacobs
Rosenman & Colin LLP
1300 19th Street, N.W.
Suite 200
Washington, DC 20036
Phone (202) 463-4644
Fax: (202) 429-0046

Its Attorney

SPARTAN COMMUNICATIONS, INC.

/s/ Nick W. Evans, Jr.
Nick W. Evans, Jr.
President and Chief Executive Officer
2859 Paces Ferry Road
Suite 2150
Atlanta, GA 30339
Phone: (770) 434-0800
Fax: (770) 434-9998

Chairman Reed Hundt
Page 12
March 21, 1997

SPOKANE TELEVISION, INC.

/s/ Stephen R. Herling
Stephen R. Herling
Vice President & General Manager
500 W. Boone Avenue
Spokane, WA 99201
Phone: (509) 324-4000
Fax: (509) 324-4049

SUNBEAM TELEVISION
CORPORATION

/s/ Arthur B. Goodkind
Arthur B. Goodkind
Koteen & Naftalin
1150 Connecticut Avenue
Suite 1000
Washington, DC 20036
Phone: (202) 467-5700
Fax: (202) 467-5915

Its Attorney

TELEVISION WISCONSIN, INC.

/s/ David S. Sanks
David S. Sanks
Vice President & General Manager
P.O. Box 4496
Madison, WI 53744-4965
Phone: (608) 271-4321
Fax: (608) 271-6111

TRIBUNE BROADCASTING COMPANY

/s/ Dennis FitzSimons
Dennis FitzSimons
Executive Vice President
435 N. Michigan Avenue
Chicago, IL 60611
Phone: (312) 222-9100
Fax: (312) 222-4206

VIRGINIA BROADCASTING
CORPORATION

/s/ Bernard E. Waterman
Bernard E. Waterman
President
P.O. Box 769
Charlottesville, VA 22902
Phone: (941) 939-2020
Fax: (941) 275-4294

WATERMAN BROADCASTING
CORPORATION

/s/ Bernard E. Waterman
Bernard E. Waterman
President
P.O. Box 7578
Ft. Myers, FL 33911-7578
Phone: (941) 939-2020
Fax: (941) 275-4294

Chairman Reed Hundt
Page 13
March 21, 1997

WHEELER TELEVISION, INC.

/s/ Vincent A Pepper
Vincent A Pepper
Pepper & Corazzini L.L.P.
1776 K Street, N.W.
Suite 200
Washington, DC 20006
Phone: (202) 296-0600
Fax: (202) 296-5572

Its Attorney

WKBN BROADCASTING
CORPORATION

/s/ John R. Wilner
John R. Wilner
Bryan Cave
700 13th Street, N.W.
Washington, DC 20005-3960
Phone: (202) 508-6000
Fax: (202) 508-6200

Its Attorney

WLEX, INC.

/s/ Marvin Rosenberg
Marvin Rosenberg
Edward W. Hummers, Jr.
Holland & Knight
2100 Pennsylvania Ave., N.W.
Suite 400
Washington, DC 20037-3202
Phone: (202) 457-7145
Fax: (202) 955-5564

Its Attorneys

Chairman Reed Hundt
Page 14
March 21, 1997

cc: Commission James H. Quello
Commissioner Susan Ness
Commissioner Rachelle B. Chong
MM Docket No. 87-268